

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8576 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MUKUNDSINH RAGHUNATH CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

Mr Umesh Trivedi, APP for respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 25/11/96

ORAL JUDGEMENT

I have heard the learned Advocate for the petitioner and the learned APP. The petitioner has challenged the order of detention dated 20.7.1996. It appears from the grounds of detention that 4 cases have been registered against the petitioner for offences punishable under the Indian Penal Code falling in Chapter XVII. In addition to the said cases, there are statements of 4 witnesses. It is of course true that there is material to show that the detenu is involved in

criminal cases registered against him. However, there is no material to show that the activities of the petitioner are in any way prejudicial to the maintenance of public order. It is also reported that the co-accused detenu, Sanjay alias Ramesh Bhagwandas Patel has been released by the order of this Court dated 8.11.1996 in Special Civil Application No.8683/96. Thus, the order of detention being illegal, cannot be sustained.

2. In view of the aforesaid, this Special Civil Application is allowed. The impugned detention order dated 20.7.1996 is quashed and set aside. The detenu is directed to be released forthwith, if not required in any other case. Rule made absolute accordingly.

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